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FM AMEMBASSY PANAMA  
TO RUEHC/SECSTATE WASHDC 2921  
INFO RUEHBO/AMEMBASSY BOGOTA 2757  
RUEHSJ/AMEMBASSY SAN JOSE 1978  
RUEABND/DEA WASHDC  
RUCNFB/FBI WASHINGTON DC  
RHMFIA/DEPT OF JUSTICE WASHINGTON DC  
RHMFIA/CDR USSOUTHCOM MIAMI FL  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RHMFIA/JOINT STAFF WASHINGTON DC  
RHEHAAA/NSC WASHDC  
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L PANAMA 000088

SIPDIS

E.O. 12958: DECL: 01/28/2019  
TAGS: PGOV PREL PM  
SUBJECT: PANAMA TO REQUIRE NO DEATH PENALTY/LIFE  
IMPRISONMENT CERTIFICATION IN EXTRADITION CASES

REF: PANAMA 00084

Classified By: DCM David R. Gilmour for reasons 1.4 (d)

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Summary and Action Request  
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¶1. (SBU) Summary. The Embassy received a dip note from the Panamanian MFA on January 7 stating that the Attorney General's Office had decided to require a declaration of certificate in extradition cases on charges that might lead to a sentence of death or life imprisonment that these penalties would not/not be applied to the extradited individual. The note states that the aim of this requirement is to avoid delays in processing extradition requests, and to assure that such extraditions conform to Panamanian legislation, and to prevent future appeals against such extraditions on the grounds that they violate Panamanian law.  
End Summary

¶2. (SBU) Action Request: Post requests guidance for response if appropriate.

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Unofficial Translation of Dipnote  
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¶3. (SBU) BEGIN TEXT:

REPUBLIC OF PANAMA  
Ministry of Foreign Relations

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PANAMA 4, PANAMA

N/V A.J. No.34

The Ministry of Foreign Relations-Directorate General of Legal Affairs and Treaties-has the honor to address the Honorable Embassy of the United States of America, on the occasion of referring to the Implementation of the Bilateral Extradition Treaty, signed by both States in 1904.

The Ministry of Foreign Relations-Directorate General of Legal Affairs and Treaties-in this regard, would like to inform the Honorable Embassy of the United States of America that in meetings held with the Attorney General's Office, it has expressed its concern about the need for the extradition

requests filed by your (sic) illustrious Government to be enclosed with the corresponding certification of non imposition of the death penalty or life imprisonment, since the Political Constitution of the Republic of Panama prohibits the imposition of such penalties; thus, it would not be able to agree to a request that would entail the imposition of those penalties.

The Ministry of Foreign Relations-Directorate General of Legal Affairs and Treaties-in this regard, would like to inform the Honorable Embassy of the United States of America that Law No.23 of December 30, 1986 on Drug Related Crimes and the Judicial Code, both of which regulate the extradition procedure in the Republic of Panama, prohibit extradition when the death penalty or life imprisonment may be imposed on the requested person.

The Ministry of Foreign Relations-Directorate General of Legal Affairs and Treaties-with regard to the above, would like to inform the Honorable Embassy of the United States of America that from now on and, when the type of penalty for which a person is being requested in extradition contemplates the possibility of applying the death penalty or life imprisonment, the formalization of the extradition request shall be enclosed with a statement or certification, by which there is a commitment not to impose those penalties and in their absence, the imposition of the immediately lower penalty established for that crime.

The above is being notified in order to prevent excessive delays in future extradition processes due to the submittal of these types of certifications and at the same time, to ensure that the extradition requests conform with what is indicated in the Panamanian internal legislation, with the purpose of safeguarding the result of the extradition process in the presence of possible legal recourses that may be filed by the requested persons.

The Ministry of Foreign Relations-Directorate General of Legal Affairs and Treaties-takes this opportunity to reiterate to the Honorable Embassy of the United States of America, the assurances of its highest consideration.

Panama, January 7, 2009

To the Honorable  
EMBASSY OF THE UNITED STATES OF AMERICA  
Panama City, Panama

OAE/oae

END TEXT

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Restatement of GOP Policy  
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14. (SBU) Greta Marchosky, the head of International Affairs at Panama's Attorney General's office, told LEGATT January 26 that the dipnote was just a restatement of Panamanian policy, and asserted that providing such certificates would help avoid delays.

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Comment  
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15. (C) Marchosky assured Post last year, in response to an inquiry from DOJ, that such certificates were not/not necessary in cases involving life sentences. It seems likely that the recent quadrilateral meetings on security among Panama, Colombia, Mexico and Guatemala, which focused on the issue of extraditions among the four countries, focused A/G Ana Matilde Gomez on this issue and how the other countries deal with them, and inspired her to toughen up Panamanian guidance. (Reftel)

